

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25791	)	
FRANCIS AND BERTHA SARGENT	)	Decision: D1560
Applicants	)	Source: Coon Creek
SOUTH SUTTER WATER DISTRICT, ET AL.	)	County: Placer
Protestants	)	

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DECISION DENYING APPLICATION 25791

BY THE BOARD:

Francis and Bertha Sargent having filed Application 25791 for a permit to appropriate unappropriated water; protests having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for by Section 737 of Title 23, California Administrative Code; an investigation having been made by the Board pursuant to said stipulations; the evidence received at the investigation having been duly considered; the Board finds as follows:

Substance of Application

1. Application 25791 is for a permit to appropriate 0.813 cubic foot per second (cfs) from June 1 to June 30 and September 1 to September 30 of each year for stockwatering and irrigation purposes from Coon Creek tributary to East Side Canal thence Natomas Cross Canal. The total amount to be diverted is not to exceed 97 acre-feet per annum (afa).

Applicants' Project

2. The applicants flood irrigate 65 acres of rice and clover from Coon Creek by means of a 6" pump powered by a 20 horsepower motor. They presently

purchase water from the Nevada Irrigation District. The District releases water into Coon Creek and the applicants divert it by means of the pump. The project is about six miles below the Highway 65 bridge.

### Protests

3. South Sutter Water District, Coon Creek Cattle Ranch, Richard and Cornelia Mariner and Mae E. Brown filed protests against the approval of Application 25791. All protestants allege interference with prior vested rights.

4. South Sutter Water District's protest is based on rights held under permitted Application 24621 which allows the District to divert 20 cfs from Coon Creek during the season April 1 to June 30 and September 1 to October 31. The District states that there are no conditions under which it would withdraw its protest.

5. Coon Creek Cattle Ranch's protest is based on rights held under licensed Application 14351 which allows it to divert 1.5 cfs from Coon Creek during the season May 1 to November 1. There are no conditions under which it would withdraw its protest.

6. Richard and Cornelia Mariner's protest is based on rights held under licensed Application 14480 which allows diversion of 1.0 cfs from Coon Creek during the season April 15 to November 1. The Mariners also stated that there are no conditions under which they would withdraw their protest.

7. Mae E. Brown's protest is based on rights held under licensed Application 14430 which allows diversion of two cfs from Coon Creek during the season April 1 to November 1. Ms. Brown also states that there are no conditions under which she would withdraw her protest.

Availability of Unappropriated Water

8. Streamflow records for Coon Creek at the Highway 65 bridge near Lincoln are available for the period November 1947 to January 1962. These records and the water rights and water requirements for Coon Creek below the Highway 65 bridge on file with the Division of Water Rights were reviewed. In only seven days during the period did streamflow exceed the amount required to satisfy the existing requirements during June and September. It is concluded that no unappropriated water is available for Application 25791.

Record in this Matter

9. The records, documents and other data relied upon in determining the matter are: Application 25791 and all relevant information on file therewith, particularly the Report of Field Investigation and Engineering Staff Analysis dated March 28, 1980; Applications 14351, 14430, 14479, 14480, 14482, 15716, 22041, 22102, and 24621; topographic maps published by the U. S. Geological Survey covering the area under consideration; Department of Water Resources Bulletin 23 and Report of Sacramento-San Joaquin Water Supervision for the years of record.

Conclusions

10. From the foregoing findings, the Board concludes that Application 25791 should be denied.

ORDER

IT IS HEREBY ORDERED that Application 25791 be denied.

Dated: June 19, 1980

/S/ CARLA M. BARD  
Carla M. Bard, Chairwoman

/S/ WILLIAM J. MILLER  
William J. Miller, Vice-Chairman

/S/ L. L. MITCHELL  
L. L. Mitchell, Member

/S/ JILL B. DUNLAP  
Jill B. Dunlap, Member

/S/ F. K. ALJIBURY  
F. K. Aljibury, Member